

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 3:11-CV-655-GCM**

CARESTREAM HEALTH, INC.,

Plaintiff,

vs.

BRETT ALLEN,

DEFENDANT.

**TEMPORARY RESTRAINING  
ORDER**

**THIS MATTER** came on for hearing before the undersigned Federal District Court Judge Graham Mullen at 2:00 p.m. on December 29, 2011, on Plaintiff CARESTREAM HEALTH, INC.'s ("Carestream" or "Plaintiff") Motion for a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

**IT APPEARING TO THE COURT**, that, based on the Complaint, the Motion for Temporary Restraining Order against Defendant and Order to Show Cause Why Preliminary Injunction Should Not Be Entered, and the Memorandum in Support thereof and the Affidavits and Exhibits thereto filed in this matter, Plaintiff will suffer irreparable injury if Defendant is not temporarily restrained as set forth herein;

**IT FURTHER APPEARING TO THE COURT**, that counsel for Plaintiff made a reasonable effort to notify Defendant of the hearing on the instant motion and that this Temporary Restraining Order should issue regardless of Defendant's attendance, or lack thereof, at the hearing;

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendant BRETT ALLEN (“Allen”) is hereby restrained and prohibited from doing or continuing to do the following:

- Directly or indirectly, publicizing disparaging statements regarding Carestream or its predecessors, successors, or their past, current or future parents, subsidiaries, related entities, or any of their members, shareholders, officers, directors, agents, attorneys, employees, or assigns (collectively “Carestream”) anywhere, including but not limited to on the public internet website “www.carestreamsucks.com” or any other public internet site that he established and maintains;
- Directly or indirectly disclosing, misappropriating, using or retaining by any means Carestream’s proprietary or confidential or trade secret information in violation of the Confidentiality Information provisions of his Employee’s Agreement and Separation Agreement with Carestream;
- Directly or indirectly diverting, by any means, business of any customer or prospective customer of Carestream in violation of his Employee’s Agreement with Carestream;
- Directly or indirectly using, disclosing, misappropriating or retaining any sensitive, private, nonpublic proprietary information of customers of Carestream;
- Directly or indirectly, interfering with, soliciting, diverting, or inducing any employee, customer, or vendor of Carestream to cease doing business with Carestream; and
- Taking any action, directly or indirectly, to impair the goodwill, business reputation or good name of Carestream.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall return to counsel for Carestream all property and equipment, including the laptop computer and all data thereon provided by Carestream or places thereon by Defendant to assist Defendant in performing his job duties, as well as all other equipment and material belonging to Carestream and any confidential information and trade secrets of Carestream (including, without limitation, all customer lists, customer or vendor contact data, prospect lists and any other information regarding Carestream’s customer or vendors which Defendant or someone acting on his behalf took from Carestream’s

computer system or otherwise) which are in the possession, custody or control of Defendant, including all copies thereof, both paper and electronic, by 1000a.m. on January 9, 2012.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall return to counsel for Carestream all sensitive, private, nonpublic proprietary information of customers or vendors of Carestream (including, without limitation, all customer lists, prospect lists, customer or vendor contact data, and any other information regarding Carestream's customers or vendors which Defendant or someone acting on his behalf took from Carestream's computer system or otherwise) which are in the possession, custody or control of Defendants, including all copies thereof, both paper and electronic, by 10:00 a.m. on January 9, 2012.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall reveal to counsel for Carestream, in writing, the identity of any person and/or entity to whom he disclosed any confidential information and trade secrets of Carestream (including, without limitation, all confidential rate information, sales manuals, customer lists, customer or vendors contact data, prospect lists and any other information regarding Carestream customer or vendors which Defendant or someone acting on his behalf took from Carestream's computer system or otherwise) or any sensitive, private, nonpublic proprietary information of customers of Carestream (including, without limitation, all customer lists, prospect lists, customer or vendor contact data, and any other information regarding Carestream customers or vendors which Defendant or someone acting on his behalf took from Carestream's computer system or otherwise) by 10:00a.m. on January 9, 2012.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Temporary Restraining Order shall go into effect upon the submission by Carestream to the United States District Court for the Western District of North Carolina, Charlotte Division of a secured bond in the amount of \$ 100<sup>00</sup> pursuant to Rule 65(c) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant's failure to comply with the terms of this Order shall constitute and shall be punishable as contempt of this Court.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Temporary Restraining Order shall expire fourteen (14) days from the date and time hereof, unless extended by the Court in accordance with Rule 65(b) of the Federal Rules of Civil Procedure, dissolved by further order of this Court, or superseded by a Preliminary Injunction.

**FINALLY, IT IS ORDERED,** that the Parties shall appear for a hearing on Carestream's Motion for Preliminary Injunction at 2:00 P.m. on, Jan 9 2011 in 809 Courtroom 3 of the Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202.

**SO ORDERED.**

This 24<sup>th</sup> day of December, 2011 at 2:30 P.m. RCM

Graham C. Muller  
The Honorable \_\_\_\_\_  
RC District Court Judge Presiding